



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

May 15, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2364, an Act related to the emancipation of a minor. Iowa is one of several states without a statutory emancipation process, although particular sections of the Code and common law provide for some aspects of emancipation. While I recognize the need to consider adding a statutory emancipation process to the Iowa Code, and I commend the legislature for addressing this important issue, I am unable to approve Senate File 2364.

Accordingly, I hereby disapprove and transmit to you, without my signature, Senate File 2364, an Act related to the emancipation of a minor, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2364 places the emancipation provisions in a little-used division of the juvenile justice chapter of the Code—Family in Need of Assistance Proceedings (FINA). FINA allows parents and children whose conflicts with each other have led to a breakdown of the familial relationship to seek assistance from the juvenile court. To allow emancipation of a minor in the context of a FINA proceeding is inconsistent with the intent of FINA proceedings. This point is illustrated by the fact that in order for an emancipation order to be entered, the court would have to make wholly inconsistent findings. To adjudicate the family to be a family in need of assistance, the court must find that there has been a breakdown in the family relationship, the family has sought services to maintain and improve the family relationship, and the court has at its disposal services for this purpose. However, to enter an emancipation order, the court must find "by clear and convincing evidence, that no remedy is available that would result in strengthening or maintaining the familial relationship."

Perhaps the most troubling aspect of Senate File 2364 is the lack of criteria for the court to consider when making an emancipation decision. For example, the court need not determine that the minor is financially self-sufficient or able to maintain education or employment. The bill does not require the court to find that the minor clearly understands the risks and consequences of emancipation or even that emancipation is in the best interest of the minor. As a result, Senate File 2364 would allow parents in conflict with their minor child to seek emancipation of the child in order to evade

financial responsibility for the child. Once an emancipation order is entered, the court has no continuing jurisdiction; therefore, there is no apparent remedy if the emancipated minor is unable to support himself or herself.

For the above reasons, I hereby respectfully disapprove Senate File 2364.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long, sweeping horizontal stroke at the end.

Chester J. Culver
Governor

cc: Secretary of the Senate
Chief Clerk of the House

CJC: jcl